

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Oliver offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 180.19, Florida Statutes, is amended to read:

180.19 Use by other municipalities and by individuals outside corporate limits.—

(1) (a) A municipality that operates utility services ~~which constructs any works as are authorized under~~ by this chapter shall allow a, ~~may permit any other municipality or property owner and the owners or association of owners of lots or lands~~ outside of its municipal boundaries ~~corporate limits or within~~

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14 ~~the limits of any other municipality,~~ to connect with or use the
15 utility services if:

16 1. The utility system has sufficient treatment,
17 transmission, and distribution capacity to serve the requested
18 connection without materially impairing service to existing
19 utility customers;

20 2. The property is not within the service area of another
21 water or wastewater utility, as applicable;

22 3. The property is within 1 mile of a main line of the
23 utility system, measured by the closest property boundary line
24 from the main line; and

25 4. The requesting municipality or property owner agrees to
26 pay all applicable rates, fees, and charges authorized under s.
27 180.191.

28 (b) If the conditions in paragraph (a) are not met,
29 connection with or use of the utility services is utilities
30 ~~mentioned in this chapter~~ upon such terms and conditions as may
31 be agreed between the such municipalities or the municipality
32 and the property owner, ~~and the owners or association of owners~~
33 ~~of such outside lots or lands.~~

34 (c) A municipality that operates utility services may not
35 deny a request for connection with or use of utility services by
36 a property owner outside of its municipal boundaries on the sole
37 basis that the property owner refuses to assent or otherwise
38 consent to the property being annexed by the municipality,

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39 unless, as of July 1, 2026, the property is subject to an
40 annexation agreement or developer agreement or is located in an
41 area subject to a joint planning agreement between the
42 municipality and the applicable county under s. 163.3171.

43 (2) (a) A municipality that operates utility services must
44 make a written capacity determination within 30 days after
45 receipt of a completed application for connection from a
46 municipality or property owner under subsection (1). The
47 determination must be based on generally accepted engineering
48 standards and current system data. A denial of connection with
49 or use of utility services due to a lack of capacity must
50 include specific engineering findings identifying the deficient
51 components of the system.

52 (b) A requesting municipality or property owner denied
53 connection with or use of utility services may appeal the
54 capacity determination to the circuit court in the county in
55 which the municipality or property is located. The court must
56 review the determination de novo.

57 (c) If the court finds that the municipality refused to
58 allow the connection in violation of this subsection, the court
59 must order the connection and award the prevailing party
60 reasonable attorney fees and court costs to be paid by the
61 municipality operating the utility services.

62 (d) The municipality operating the utility services is not
63 liable for attorney fees or court costs under paragraph (c) if

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64 the municipality demonstrates by clear and convincing evidence
65 that the denial was based on a good faith, reasonable
66 engineering determination of insufficient capacity.

67 ~~(3)-(2)~~ Any private company or corporation organized to
68 accomplish the purposes of set forth in this chapter that, which
69 has been granted a privilege or franchise by a municipality to
70 operate utility services, may allow a municipality or property
71 owner permit the owners or association of owners of lots or
72 ~~lands~~ outside of the boundaries of the granting said
73 ~~municipality granting said privilege or franchise, or other~~
74 ~~municipality,~~ to connect with and use the utility services
75 ~~operated by the said private company or corporation upon such~~
76 terms as may be agreed between the ~~said~~ private company or
77 corporation and the ~~owners or association of owners of said lots~~
78 ~~or lands or the said municipality~~ or property owner.

79 (4) (a) A municipality that operates water or wastewater
80 utility services outside of its municipal boundaries must enter
81 into an interlocal agreement under s. 163.01 with the county in
82 which the municipality provides such services if all of the
83 following conditions are met:

84 1. The county has designated an area located outside such
85 municipal boundaries but within the county as an economic
86 development zone.

87 2. The economic development zone is located entirely or
88 partially within the municipal utility's service area.

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89 3. The economic development zone is geographically
90 surrounded by unincorporated area of the county, except that a
91 portion of the boundary of such zone may abut the municipal
92 boundary of the municipality.

93 (b) The interlocal agreement must address the provision of
94 water and wastewater services to the entire economic development
95 zone to ensure, to the maximum extent practicable, the provision
96 of safe, efficient, and sufficient services to meet current and
97 forecasted needs of the economic development zone. The agreement
98 must, at a minimum:

99 1. Define service and maintenance responsibilities for
100 facilities and infrastructure required to provide such services,
101 including all necessary supporting infrastructure.

102 2. Establish and define responsibilities for capacity
103 planning, infrastructure expansion, and cost allocation for the
104 investments needed to provide such services.

105 3. Provide timelines and permitting procedures to ensure
106 the timely and reliable delivery of such services.

107 4. Include procedures for amending the agreement and for
108 dispute resolution to prevent unreasonable delay in the
109 provision of such services.

110 (c) The interlocal agreement must be executed by July 1,
111 2027, or within 12 months after the designation of the economic
112 development zone, whichever occurs later.

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113 (d) An extension of utility services made pursuant to an
114 interlocal agreement under this subsection is not subject to any
115 other provision of this section related to the establishment of
116 a new agreement for the extension of services.

117 (5) This section does not prohibit a municipality from
118 imposing reasonable impact fees, connection fees, or
119 infrastructure contributions necessary to fund system expansion
120 required for a new connection.

121 **Section 2. Section 166.0487, Florida Statutes, is created**
122 **to read:**

123 166.0487 Limitation on municipal regulation of wastewater
124 utility infrastructure on property owned by another political
125 subdivision.—

126 (1) As used in this section:

127 (a) "Wastewater utility infrastructure" includes
128 wastewater treatment plants, lift stations, vacuum stations,
129 pump stations, and appurtenances.

130 (b) "Wastewater utility upgrade project" means a project
131 to improve the operation or efficiency or expand the capacity of
132 existing wastewater utility infrastructure in a manner intended,
133 in whole or in part, to prevent or reduce pollution.

134 (2) A municipality may not apply a comprehensive plan
135 amendment or a land use regulation, including, but not limited
136 to, a land development regulation, setback requirement, lot size
137 requirement, or use restriction, to a wastewater utility upgrade

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138 project proposed by another political subdivision that owns the
139 property on which the infrastructure is located if all of the
140 following conditions are met:

141 (a) The existing wastewater utility infrastructure is
142 located within the municipal boundaries of the municipality
143 applying the land use regulation.

144 (b) The land use regulation is more burdensome or
145 restrictive than the regulations that applied at the time the
146 infrastructure was originally installed and would prevent,
147 hinder, obstruct, or increase the cost of the proposed
148 wastewater utility upgrade project.

149 (c) The wastewater utility infrastructure is owned or
150 operated by:

151 1. The political subdivision that owns the property;

152 2. A private firm operating under a wastewater facility
153 privatization contract as provided in part III of chapter 153;
154 or

155 3. A private company operating under a franchise granted
156 by a municipality as provided in chapter 180.

157 (3) The prohibition under subsection (2) does not apply to
158 any property that:

159 (a) Does not have any wastewater utility infrastructure
160 installed at the time the land use regulation is adopted by the
161 municipality.

162 (b) Would be acquired or developed for wastewater utility

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163 purposes by another political subdivision as part of the
164 proposed wastewater utility upgrade project.

165 **Section 3. Subsections (6), (7), and (8) of section**
166 **425.09, Florida Statutes, are renumbered as subsections (7),**
167 **(8), and (9), respectively, subsection (5) and present**
168 **subsection (6) are amended, and a new subsection (6) is added to**
169 **that section, to read:**

170 425.09 Members.—

171 (5) Except as hereinafter otherwise provided, written or
172 printed notice stating the time and place of each meeting of
173 members, and in the case of a special meeting the purpose or
174 purposes for which the meeting is called, must ~~shall~~ be given to
175 each member, ~~either~~ personally, or by mail, or by e-mail, not
176 less than 10 days or ~~not~~ more than 45 days before the date of
177 the meeting. For any meeting at which an election of trustees or
178 successors to trustees will be held, the notice must be provided
179 not less than 30 days or more than 45 days before the date of
180 the meeting and must state the name or names of those nominated
181 and certified for the election as provided in this chapter.

182 (6) By January 1, 2027, and annually thereafter, the board
183 of trustees shall prepare an updated, alphabetical list of the
184 names of all members and, if applicable, the voting district
185 established under s. 425.11 in which each member receives
186 service. The board of trustees shall make the list available
187 upon request of any member of the cooperative. At each meeting

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188 of members, any member or the member's proxy is entitled to
189 inspect the list at any time during the meeting or any
190 adjournment.

191 (7)-(6) One percent of all members, present in person,
192 constitutes ~~shall constitute~~ a quorum for the transaction of
193 business at all meetings of the members. ~~unless~~ The bylaws may
194 prescribe the presence of a greater percentage of the members
195 for a quorum. Notwithstanding the requirement that members be
196 present in person in order to be counted in determining a
197 quorum, the bylaws may permit voting by limited proxy, ~~or~~ by
198 mail, or electronically through an Internet-based online voting
199 system and members so voting shall be counted as present in
200 person for determination of a quorum. A majority of a quorum is
201 required to approve any motion or matter before a meeting of the
202 members. Members voting by mail, ~~or~~ limited proxy, or
203 electronically through an Internet-based online voting system
204 may ~~shall~~ not be counted on any matter raised at a meeting that
205 ~~which~~ was not specifically listed and identified on the mail
206 ballot, ~~or~~ proxy, or Internet-based online voting system. If
207 less than a quorum is present at any meeting, a majority of
208 those present in person may adjourn the meeting from time to
209 time without further notice.

210 **Section 4. Subsections (4), (5), and (6) of subsection (1)**
211 **of section 425.10, Florida Statutes, are renumbered as**
212 **subsections (5), (6), and (7), respectively, subsection (1) is**

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213 **amended, and a new subsection (4) is added to that section, to**
214 **read:**

215 425.10 Board of trustees.—

216 (1) The business and affairs of a cooperative shall be
217 managed by a board of not less than five trustees, each of whom
218 shall be a member of the cooperative or of another cooperative
219 which shall be a member thereof. The bylaws shall prescribe the
220 number of trustees, their qualifications, other than those
221 provided for in this chapter, the manner of holding meetings of
222 the board of trustees and of the election of successors to
223 trustees who shall resign, die, or otherwise be incapable of
224 acting. The bylaws must prescribe a process by which members may
225 nominate one or more individuals for election as a trustee or a
226 successor to a trustee, a process by which the board of trustees
227 may certify that a nominee meets the qualifications for a
228 trustee or a successor to a trustee as set forth in the bylaws
229 and this chapter, and a process by which a nominee who is not
230 certified by the board of trustees may challenge the
231 noncertification decision. The bylaws may also provide for the
232 removal of trustees from office and for the election of their
233 successors. Without approval of the members, trustees shall not
234 receive any salaries for their services as trustees and, except
235 in emergencies, shall not be employed by the cooperative in any
236 capacity involving compensation. The bylaws may, however,
237 provide that a fixed fee and expenses of attendance, if any, may

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238 be allowed to each trustee for attendance at each meeting of the
239 board of trustees and that such may be allowed for the
240 performance of other cooperative business, provided it has prior
241 approval of the board of trustees.

242 (4) (a) For each meeting of members at which an
243 election for trustees or successors to trustees is to be
244 conducted, a cooperative must appoint one or more
245 inspectors to carry out the duties under paragraph (b).
246 Each inspector must faithfully execute the duties under
247 paragraph (b) with strict impartiality and according to the
248 best of his or her ability. An inspector may be an officer
249 or employee of the cooperative.

250 (b) An inspector must:

251 1. Determine the number of votes represented at the
252 meeting, whether in person, electronically, or by proxy.

253 2. Determine the validity of mail-in ballots and
254 proxy appointments and ballots.

255 3. Count the votes.

256 4. Make a written report of the results.

257 **Section 5. Section 425.31, Florida Statutes, is created to**
258 **read:**

259 425.31 Electronic voting.—

260 (1) A cooperative may conduct elections and other
261 membership votes through an Internet-based online voting system

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262 if a member consents, electronically or in writing, to online
263 voting and if all of the following requirements are met:

264 (a) The cooperative provides each member with:

265 1. A method to authenticate the member's identity to the
266 online voting system.

267 2. A method to confirm, at least 14 days before the voting
268 deadline, that the member's electronic device can successfully
269 communicate with the online voting system.

270 3. A method that is consistent with the election and
271 voting procedures provided in the cooperative's bylaws.

272 (b) The cooperative uses an online voting system that is:

273 1. Able to authenticate the member's identity.

274 2. Able to authenticate the validity of each electronic
275 vote to ensure that the vote is not altered in transit.

276 3. Able to transmit a receipt from the online voting
277 system to each member who casts an electronic vote.

278 4. Able to permanently separate any authentication or
279 identifying information from the electronic election ballot,
280 rendering it impossible to tie an election ballot to a specific
281 member. This subparagraph only applies if the cooperative's
282 bylaws provide for secret ballots for the election of trustees.

283 5. Able to store and keep electronic ballots accessible
284 for recount, inspection, and review purposes.

285 (2) A member voting electronically pursuant to this
286 section must be counted as being in attendance at the meeting

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287 for purposes of determining a quorum. A substantive vote of the
288 members may not be taken on any issue other than the issues
289 specifically identified in the electronic vote when a quorum is
290 established based on members voting electronically pursuant to
291 this section.

292 (3) This section applies to a cooperative that provides
293 for and authorizes an online voting system pursuant to this
294 section by a resolution of the board of trustees. The resolution
295 must provide that members receive notice of the opportunity to
296 vote through an online voting system; establish reasonable
297 procedures and deadlines for members to consent, electronically
298 or in writing, to online voting; and establish reasonable
299 procedures and deadlines for members to opt out of online voting
300 after giving consent. Written notice of a meeting at which the
301 resolution regarding online voting will be considered must be
302 given to each member in accordance with the notice requirements
303 for member meetings under s. 425.09.

304 (4) A member's consent to online voting is valid until the
305 member opts out of online voting pursuant to the procedures
306 established by the board of trustees under subsection (3).

307 (5) This section may apply to any matter that requires a
308 vote of the members.

309 (6) If at least 10 percent of the members of a cooperative
310 petition the board of trustees to adopt a resolution for
311 electronic voting for the next scheduled election, the board of

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312 trustees must hold a meeting within 21 days after receipt of the
313 petition to adopt such resolution. The board of trustees must
314 receive the petition within 180 days after the date of the last
315 scheduled annual meeting.

316 **Section 6.** This act shall take effect July 1, 2026.

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318 -----

319 **T I T L E A M E N D M E N T**

320 Remove everything before the enacting clause and insert:

321 A bill to be entitled

322 An act relating to utilities; amending s. 180.19,
323 F.S.; requiring municipalities that operate utility
324 services to allow other municipalities and property
325 owners outside its municipal boundaries to connect
326 with and use the utility services under specified
327 conditions; prohibiting municipalities that operate
328 utility services from denying requests by property
329 owners outside its municipal boundaries to connect
330 with or use the utility services based on specified
331 criteria; providing an exception; requiring
332 municipalities to make certain determinations within a
333 specified timeframe; providing for appeal of such
334 determinations; providing for the award of attorney
335 fees and court costs; providing that municipalities
336 are not liable for such fees and costs under certain

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337 conditions; requiring municipalities that operate
338 water and wastewater utility services to negotiate
339 interlocal agreements with counties under specified
340 conditions; providing minimum requirements for such
341 agreements; establishing a deadline for executing such
342 agreements; providing construction; creating s.
343 166.0487, F.S.; defining the terms "wastewater utility
344 infrastructure" and "wastewater utility upgrade
345 project"; prohibiting municipalities from applying
346 certain comprehensive plan amendments or land use
347 regulations to wastewater utility upgrade projects
348 under specified conditions; providing applicability;
349 amending s. 425.09, F.S.; authorizing notices for
350 rural electrical cooperative board of trustees
351 meetings to be delivered by e-mail; revising notice
352 requirements for meetings during which elections will
353 occur; requiring the board of trustees, beginning on a
354 specified date, to annually prepare a list of
355 cooperative members and to make the list available for
356 certain inspection; authorizing electronic voting;
357 amending s. 425.10, F.S.; requiring the bylaws of
358 rural electrical cooperatives to include specified
359 provisions relating to the nomination of members for
360 election to the board of trustees; requiring the
361 appointment of election inspectors; providing duties

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362 of election inspectors; creating s. 425.30, F.S.;

363 authorizing rural electric cooperatives to conduct

364 elections and membership votes through electronic

365 voting under certain conditions; requiring members

366 voting electronically to be counted for quorum

367 purposes; prohibiting substantive votes when a quorum

368 is based on the number of members voting

369 electronically; requiring electronic voting to be

370 authorized by a resolution of the board of trustees;

371 providing requirements for such resolutions; providing

372 for members to consent to and opt out of electronic

373 voting; providing applicability; providing for

374 cooperative members to petition the board of trustees

375 to adopt electronic voting; providing an effective

376 date.

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